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PTO/SB/21 (04-04)
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/754,174
Filing Date	January 9, 2004
First Named Inventor	Lilip Lau
Art Unit	3762
Examiner Name	Unassigned
Attorney Docket Number	PARCR 66327

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ Remarks	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 2px;"> Postcard S2 References </div>
24201		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	FULWIDER PATTON LEE & UTECHT, LLP	
Signature		
Date	August 12, 2004	

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Typed or printed name	JOHN S. NAGY
Signature	
Date	August 12, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to .12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

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John S. Nagy, Reg. No. 304664

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/754,174
Applicant : Lilip Lau, William Hartigan, Anuja Patel
Filed : January 9, 2004
Art Unit : 3762
Examiner : Unassigned
Title : DEVICE FOR TREATING HEART FAILURE

Docket No.: : PARCR 66327
Customer No. : 24201

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

The documents listed on the enclosed Form PTO/SB/08a have come to the attention of Applicants and are submitted to the Office under 37 C.F.R. § 1.97(b)(3) and § 1.98(d). Copies of the articles cited on the Form PTO/SB/08a are enclosed. Also enclosed is a copy of two Information Disclosure Statements and Forms PTO-1449 as filed in the prior application, U.S. Serial No. 10/242,016 now U.S. Patent No. 6,723,041. The references listed were previously submitted or were cited in prior application Serial

No. 10/242,016 now U.S. Patent No. 6,723,041. It is believed that these references will be helpful during examination of the application.

This application is a continuation of U.S. Serial No. 10/242,016 filed September 10, 2002 now U.S. Patent No. 6,723,041. The foregoing application is incorporated herein by reference. Priority is claimed to this application.

Applicants believe that this Information Disclosure Statement has been mailed before the mailing date of a first Office action on the merits in accordance with 37 C.F.R. § 1.97(b)(3) and therefore, no fee is due. However, if a fee is in fact due the Commissioner is authorized to charge our Deposit Account No. 06-2425. A duplicate of this paper is enclosed.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: *John Nagy*
John S. Nagy
Registration No. 30,664

JSN:jeb
Enclosures

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

AUG 16 2004

PTO/SB/08a (06-03)

Approved for use through 07/31/2003 OMB 0651-0031

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Substitute for Form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

12

Complete if Known

Application Number	10/754,174
Filing Date	January 9, 2004
First Named Inventor	Lilip Lau
Art Unit	3762
Examiner Name	Unassigned
Attorney Docket Number	PARCR 66327

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		3,464,322		09/02/69	Pequignot	
		3,613,672		10/19/71	Schiff	
		3,966,401		06/29/76	Hancock et al.	
		3,988,782		11/02/76	Dardik et al.	
		4,011,947		03/15/77	Sawyer	
		4,048,990		09/20/77	Goetz	
		4,065,816		01/03/78	Sawyer	
		4,108,161		08/22/78	Samuels et al.	
		4,192,293		03/11/80	Asrican	
		4,211,325		07/08/80	Wright	
		4,261,342		04/14/81	Aranguren Duo	
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		4,512,471		04/23/85	Kaster et al.	
		4,545,783		10/08/85	Vaughn	
		4,628,937		12/16/86	Hess et al.	
		4,630,597		12/23/86	Kantrowitz et al.	
		4,665,906		05/19/87	Jervis	
		4,697,703		10/06/87	Will	
		4,750,619		06/14/88	Cohen et al.	
		4,821,723		04/18/89	Baker, Jr. et al.	
		4,834,707		05/30/89	Evans	
		4,838,288		06/13/89	Wright et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind ⁵ (if known)				
		FR	2 527 435		12/2/83	Serreaus		
		GB	2 115 287 A		09/07/83	Sharma		
		JP	60-203250		10/14/85	Unknown		
		GB	2 209 678 A		05/24/89	Evans		
		DE	3831 540 A1		04/06/89	Evans		
		JP	I-145066		06/07/89	Unknown		
		JP	I-271829		10/30/89	Kogyo		
		EPO	0 370 931 A1		05/30/90	Perrotin		
		FR	2 645 739		10/19/90	Mentzer et al.		

Examiner Signature	Date Considered
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 12

Complete if Known

Application Number	10/754,174
Filing Date	January 9, 2004
First Named Inventor	Lilip Lau
Art Unit	3762
Examiner Name	Unassigned
Attorney Docket Number	PARCR 66327

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		Number	Kind Code ² (if known)			
		4,840,626		06/20/89	Linsky et al.	
		4,863,016		09/05/89	Fong et al.	
		4,878,890		11/07/89	Bilweis	
		4,957,477		09/18/90	Lundbäck	
		4,960,424		10/02/90	Grooters	
		4,973,300		11/27/90	Wright	
		5,031,762		07/16/91	Heacox	
		5,057,117		10/15/91	Atweh	
		5,067,957		11/26/91	Jervis	
		5,087,243		02/11/92	Avitall	
		5,098,369		03/24/92	Heilman et al.	
		5,106,386		04/21/92	Isner et al.	
		5,119,804		06/09/92	Anstadt	
		5,150,706		09/29/92	Cox et al.	
		5,169,381		12/08/92	Snyders	
		5,186,711		02/16/93	Epstein	
		5,190,546		03/02/93	Jervis	
		5,192,314		03/09/93	Daskalakis	
		5,197,978		03/30/93	Hess	
		5,256,132		10/26/93	Snyders	
		5,279,539		01/18/94	Bohan et al.	
		5,336,254		08/09/94	Brennen et al.	

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Examiner Initials*	Cite No ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴				
		PCT	WO 91/19465	12/26/91	Frater		
		SU	1734767 A1	05/23/92	Popov et al.		
		EP	0 280 564 B1	06/16/93	Intermedics, Inc.		
		DE	38 31 540 C2	06/24/93	Evans		
		PCT	WO 95/06447	03/09/95	W.L. Gore & Associates		
		PCT	WO 96/04852	02/22/96	Northrup		
		DE	295 17 393 U1	03/14/96	Hohmann et al.		
		EP	0 583 012 B1	07/10/96	Heilman et al.		

Examiner Signature	Date Considered
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/754,174
(use as many sheets as necessary)				Filing Date	January 9, 2004
Sheet	3	of	12	First Named Inventor	Lilip Lau
				Art Unit	3762
				Examiner Name	Unassigned
				Attorney Docket Number	PARCR 66327

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		5,344,442		09/06/94	Deac
		5,352,184		10/04/94	Goldberg et al.
		5,356,432		10/18/94	Rutkow et al.
		5,366,460		11/22/94	Eberbach
		5,385,156		01/31/95	Oliva
		5,385,229		01/31/95	Bittmann et al.
		5,385,528		01/31/95	Wilk
		5,405,360		04/11/95	Tovey
		5,429,584		07/04/95	Chiu
		5,460,962		10/24/95	Kemp
		5,433,727		07/18/05	Sideris
		5,456,711		07/18/95	Hudson
		5,500,015		03/19/96	Deac
		5,507,779		04/16/96	Altman
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		5,727,569		03/17/98	Benetti et al.
		5,749,839		05/12/98	Kovacs
		5,782,746		07/21/98	Wright
		5,800,334		09/01/98	Wilk

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Examiner Initials*	Cite No ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Office ³	Number ⁴		
		PCT	WO 97/20505	06/12/97	Loma Linda University
		PCT	WO 97/24101	07/10/97	Melvin
		EP	0 791 330 A3	08/27/97	Cardiothoracic Systems
		PCT	WO 98/03213	01/29/98	Heartport, Inc.
		PCT	WO 98/14136	04/09/98	Acorn Medical, Inc.
		PCT	WO 98/26738	06/25/98	Hearten Medical, Inc.
		PCT	WO 98/29041	07/09/98	Myocor, Inc.
		PCT	WO 98/58598	12/30/98	Haindl
		PCT	WO 99/11201	03/11/99	Endocore, Inc.

Examiner Signature	Date Considered
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/754,174
(use as many sheets as necessary)				Filing Date	January 9, 2004
Sheet	4	of	12	First Named Inventor	Lilip Lau
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		Number	Kind Code ² (if known)		
		5,571,215		11/05/96	Sterman et al.
		5,582,616		12/10/96	Bolduc et al.
		5,584,803		12/17/96	Stevens et al.
		5,593,424		01/14/97	Northrup III
		5,593,441		01/14/97	Lichtenstein et al.
		5,597,378		01/28/97	Jervis
		5,607,477		03/04/97	Schindler et al.
		5,647,372		07/15/97	Tovey et al.
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		5,695,525		12/09/97	Mulhauser et al.
		5,814,097		09/29/98	Sterman et al.
		5,824,028		10/20/98	Knisley
		5,836,311		11/17/98	Borst et al.
		5,848,962		12/15/98	Feindt et al.
		5,849,005		12/15/98	Garrison et al.
		5,853,422		12/29/98	Huebsch et al.
		5,865,791		02/02/99	Whayne et al.
		5,904,690		05/18/99	Middleman et al.
		5,910,124		06/08/99	Rubin
		5,927,284		07/27/99	Borst et al.
		5,948,019		09/07/99	Shu et al.
		5,976,069		11/02/99	Navia et al.
		5,979,456		11/09/99	Magovern
		5,984,857		11/16/99	Buck et al.
		5,990,378		11/23/99	Ellis

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Office ³	Number ⁴		
		EP	0 919 193 A1	06/02/99	Ethicon Endo-Surgery
		PCT	WO 99/30647	06/24/99	Myocor, Inc.
		PCT	WO 99/44534	09/10/99	Melvin
		PCT	WO 99/44680	09/10/99	Abiomed, Inc.
		PCT	WO 99/53977	10/28/99	SciMed Life Systems
		PCT	WO 99/56655	11/11/99	Correstore, Inc.
		PCT	WO 00/02500	01/20/00	Acorn Cardiovascular
		PCT	WO 00/06026	02/10/00	Myocor, Inc.
		PCT	WO 00/06027	02/10/00	Mortier et al.

Examiner Signature	Date Considered
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		6,007,486		12/28/99	Hunt et al.
		6,015,378		01/18/00	Borst et al.
		6,024,096		02/15/00	Buckberg
		6,045,497		04/04/00	Schweich, Jr. et al.
		6,050,936		04/18/00	Schweich, Jr. et al.
		6,059,715		05/09/00	Schweich, Jr. et al.
		6,071,303		06/06/00	Laufer
		6,079,414		06/27/00	Roth
		6,085,754		07/11/00	Alfernness et al.
		6,095,968		08/01/00	Snyders
		6,117,159		09/12/00	Huebsch et al.
		6,117,979		09/12/00	Hendriks et al.
		6,125,852		10/03/00	Stevens et al.
		6,126,590		10/03/00	Alfernness
		6,155,968		12/05/00	Wilk
		6,162,168		12/19/00	Schweich, Jr. et al.
		6,165,119		12/26/00	Schweich, Jr. et al.
		6,165,120		12/26/00	Schweich, Jr. et al.
		6,165,121		12/26/00	Alfernness
		6,165,122		12/26/00	Alfernness
		6,166,184		12/26/00	Hendriks et al.
		6,169,922		01/02/01	Alfernness et al.
		6,174,279		01/16/01	Girard
		6,179,791		01/30/01	Krueger

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		Office ³	Number ⁴		
		PCT	WO 00/06028	02/10/00	Mortier, et al.
		PCT	WO 00/13722	03/16/00	SciMed Life Systems
		PCT	WO 00/16700	03/30/00	Myocor, Inc.
		PCT	WO 00/28912	05/25/00	Acorn Cardiovascular
		PCT	WO 00/28918	05/25/00	Acorn Cardiovascular
		PCT	WO 00/42919	07/25/00	Buckberg et al.
		PCT	WO 00/45735	08/10/00	Acorn Cardiovascular
		PCT	WO 00/48795	08/24/00	Richebourg

Examiner Signature	Date Considered
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Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/754,174
(use as many sheets as necessary)				Filing Date	January 9, 2004
Sheet	6	of	12	First Named Inventor	Lilip Lau
				Art Unit	3762
				Examiner Name	Unassigned
				Attorney Docket Number	PARCR 66327

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		6,183,411		02/06/01	Mortier et al.	
		6,190,408		02/20/01	Melvin	
		6,193,648		02/27/01	Krueger	
		6,206,820		03/27/01	Kazi et al.	
		6,214,047		02/10/01	Melvin	
		6,221,103		02/24/01	Melvin	
		6,224,540		05/01/01	Ledermann et al.	
		6,230,714		05/15/01	Alferness et al.	
		6,260,552		07/17/01	Mortier et al.	
		6,261,222		07/17/01	Schweich, Jr. et al.	
		6,282,445		08/28/01	Reinhardt et al.	
		6,287,250		09/11/01	Peng et al.	
		6,306,141		10/23/01	Jervis	
		6,375,608		04/23/02	Alferness	
		6,390,976		05/21/02	Spence et al.	
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		6,544,168		04/08/03	Alferness	

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		Office ³	Number ⁴	Kind ⁵ (if known)				
		PCT	WO 00/62727		10/26/00	Hearten Medical		
		PCT	WO 00/74769		12/14/00	Johns Hopkins Univ.		
		PCT	WO 01/17437		03/15/01	Cardiothoracic Systems		
		PCT	WO 01/50981		07/19/01	Acorn Cardiovascular		
		PCT	WO 01/95830		12/20/01	Acorn Cardiovascular		
		PCT	WO 01/95831		12/20/01	Acorn Cardiovascular		
		PCT	WO 01/95832		12/20/01	Acorn Cardiovascular		
		PCT	WO 02/19917		03/14/02	Converge Medical		
		PCT	WO 03/026483		04/03/03	The Foundry, Inc.		

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet

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of

12

Complete if Known

Application Number	10/754,174
Filing Date	January 9, 2004
First Named Inventor	Lilip Lau
Art Unit	3762
Examiner Name	Unassigned
Attorney Docket Number	PARCR 66327

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		Number	Kind Code ² (if known)			
		6,547,821		11/11/03	Taylor et al.	
		6,564,094		05/13/03	Alferness et al.	
		6,567,699		05/20/03	Alferness et al.	
		6,569,082		05/27/03	Chin	
		6,572,533		06/03/03	Shapland et al.	
		6,575,921		06/10/03	Vanden Hoek et al.	
		6,582,355		06/24/03	Alferness et al.	
		6,587,734		07/01/03	Okuzumi	
		6,595,912		07/22/03	Lau et al.	
		6,602,184		08/05/03	Lau et al.	
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		6,663,558		12/16/03	Lau et al.	
		6,673,009		01/06/04	Vanden Hoek et al.	
		6,682,474		01/27/04	Lau et al.	
		6,682,475		01/27/04	Cox et al.	
		6,682,476		01/27/04	Alferness et al.	
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		2001/00293134		10/11/01	Alferness et al.	
		2001/0047122		11/29/01	Vanden Hoek et al.	
		2002/0007216		01/17/02	Melvin	
		2002/0022880		02/21/02	Melvin	
		2002/0068849		06/06/02	Schweich, Jr. et al.	
		2002/007754		06/20/02	Schweich, Jr. et al.	
		2002/0082647		06/27/02	Alferness et al.	

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		Office ³	Number ⁴	Kind ⁵ (if known)				
	PCT	WO 03/026485			04/03/03	The Foundry, Inc.		
	PCT	WO 03/026484			04/03/03	The Foundry, Inc.		

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				First Named Inventor	Lilip Lau
				Art Unit	3762
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(use as many sheets as necessary)				Filing Date	January 9, 2004
Sheet	9	of	12	First Named Inventor	Lilip Lau
				Group Art Unit	3762
				Examiner Name	Unassigned
				Attorney Docket Number	PARCR 66327

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No ¹ .	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Bencini, Adriano, M.D., <i>The "Pneumomassage" of the Heart</i> , <i>Surgery</i> , Vol. 39, No. 3, March 1956	
		Anstadt, George L., et al., <i>A New Instrument for Prolonged Mechanical Cardiac Massage</i> , <i>Abstracts of the 38th Scientific Sessions</i> , Supplement II to <i>Circulation</i> , Vols. 31 and 32, pp. 375-384, October 1965	
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		McGoon, Dwight C., M.D., et al., <i>Correction of the Univentricular Heart Having Two Atrioventricular Valves</i> , <i>The Journal of Thoracic and Cardiovascular Surgery</i> , Vol. 74, No. 2, pp. 218-226, August 1977	
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		Melton, K.N., et al., <i>Alloys With Two-Shape Memory Effect</i> , <i>Mechanical Engineering</i> , pp. 42-43, March 1980	
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		<i>Badhwar, Vinay, Power Generation From Four Skeletal Muscle Configurations Design Implications for a Muscle Powered Cardiac Assist Device, ASAIO Journal, Vol. 43, pp. M651-M657, 1997</i>			
		<i>Westaby, Stephen, et al., Landmarks in Cardiac Surgery, pp. 198-199, 1997</i>			
		<i>Cox, James L., Left Ventricular Aneurysms: Pathophysiologic Observations and Standard Resection, Seminars in Thoracic and Cardiovascular Surgery, Vol. 9, No. 2, pp. 113-122, April 1997</i>			
		<i>Coletta, C., et al., Prognostic Value of Left Ventricular Volume Response During Dobutamine Stress Echocardiography, European Heart Journal, vol. 18, pp. 1599-1603, October 1997</i>			
		<i>Capomolla, Soccorso, M.D., et al., Dobutamine and Nitroprusside Infusion in Patients With Severe Congestive Heart Failure: Hemodynamic Improvement by Discordant Effects on Mitral Regurgitation, Left Atrial Function, and Ventricular Function, American Heart Journal, 1089-1098, December 1997</i>			
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		<i>ABSTRACTS - Heart Failure, JACC February 1999</i>			
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				First Named Inventor	Lilip Lau
				Group Art Unit	3762
				Examiner Name	Unassigned
				Attorney Docket Number	PARCR 66327

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